

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
815 Oakleigh Road, 108.2 ft. N
of Trenleigh Road
8631 Oakleigh Road
9th Election District
4th Councilmanic District
John M. Williams, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-232-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by John M. Williams and Mary A. Williams, his wife, for that property known as 8631 Oakleigh Road in the Oakleigh Manor subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section VI "D" Residence Zone, Amended Paragraph C. sub-paragraph 5 (1953 to 1955 of the Baltimore County Zoning Regulations (BCZR), to permit a setback of 9 ft. from alley centerline, for a proposed carport, in lieu of the required 13 ft. in D.R.10.5 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of January, 1996 that the Petition for a Zoning Variance from Section VI "D" Residence Zone, Amended Paragraph C. sub-paragraph 5 (1953 to 1955 of the Baltimore County Zoning Regulations (BCZR), to permit a setback of 9 ft. from alley centerline, for a proposed carport, in lieu of the required 13 ft. in D.R.10.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions:

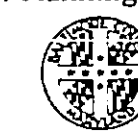
1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The carport shall remain open on all exposed sides and shall not be enclosed at any time.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 5, 1996

Mr. and Mrs. John M. Williams
8631 Oakleigh Road
Baltimore, Maryland 21234

RE: Petition for Administrative Variance
Case No. 96-232-A
Property: 8631 Oakleigh Road

Dear Mr. and Mrs. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

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on Recycled Paper



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 8631 Oakleigh Rd. Baltimore, MD 21234-3843
which is presently zoned Residential

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section VI "D" Residence Zone, Amended Paragraph C. sub-paragraph 5 (1953 to 1955 of the Baltimore County Zoning Regulations (BCZR), to permit a setback of 9 ft. from Alley Centerline (for a Proposed Carport) in lieu of the required 13 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

To adhere to zoning regulations would produce a carport too small for intended purposes and at an undesirable location.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
John M. Williams
(Type or Print Name)
John M. Williams
Signature
Mary Aileen Williams
(Type or Print Name)
Mary Aileen Williams
Signature

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City State Zipcode
Name
Address
City State Zipcode
Phone No.

8631 Oakleigh Rd. (410) 668-1768
Baltimore, MD 21234-3843
Name, address and phone number of representative to be contacted

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10th day of January, 1996, that the subject matter of this petition be set for a public hearing, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

Reviewed by: *JES* DATE: 12/17/95
ESTIMATED POSTING DATE: 12/17/95
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ITEM #: 235

Affidavit in support of
Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at 8631 Oakleigh Rd.
Baltimore, MD 21234-3843

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address, presented herewith in practical difficulty:
To stay within zoning regulations would -
① Locate front of carport to far back on property. (7 ft.)
② Reduce width of carport to much for intended purpose.

Purpose of carport is to protect car from birds, leaves, tree branches, sun & rain and mainly cut down on labor as far as removing snow is concerned. We are getting up in years.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John M. Williams
John M. Williams
(Type or Print Name)
Mary Aileen Williams
Mary Aileen Williams
(Type or Print Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, this 1st day of December, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared John M. Williams and Mary A. Williams

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.
December 1, 1995
My Commission Expires: 1/1/98

My Commission Expires: 1/1/98

Zoning Description for 8631 Oakleigh Rd.
Baltimore, MD 21234-3843

Beginning at a point on the East side of Oakleigh Rd. which is 60 feet wide at a distance of 108.2 feet North of the centerline of Trenleigh Rd. which is 60 feet wide. Being Lot # 2, Block 1, Section #1 in the subdivision of Oakleigh Manor as recorded in Baltimore County Plat Book # GLB # 20, Folio # 35, containing .043 acres. Also known as 8631 Oakleigh Rd. Baltimore, MD, 21234-3843. and Located in the 09 Election District, 4 Councilmanic District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 12/17/95
Posted for: Variance
Petitioner: John M. Williams
Location of property: 8631 Oakleigh Rd.
Location of Sign: 8631 Oakleigh Rd. property line
Remarks: Variance to stay within zoning regulations
Posted by: *Matthew* Date of return: 12/17/95
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 12/7/95 ACCOUNT: 7006150
AMOUNT: \$ 85.00
RECEIVED FROM: WILLIAMS FOR 8631 OAKLEIGH RD.
FOR: ADDITIONAL VPR FILING - C/O \$50.00
1 SIGN
01A090810248000 \$35.00
BA 0010:27AM12-07-95
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 235 Petitioner: John M. Williams
Location: 8631 Oakleigh Rd. Baltimore, MD, 21234-3843
PLEASE FORWARD ADVERTISING BILL TO:
NAME: John M. Williams
ADDRESS: 8631 Oakleigh Rd.
Baltimore, MD, 21234-3843
PHONE NUMBER: (410) 668-1768

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 18, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-232-A (Item 235)
8531 Oakleigh Road
E/S Oakleigh Road, 108.2' N of Trenchleigh Road
9th Election District - 4th Councilmanic
Legal Owner: John M. Williams and Mary Allene Williams

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a rebuttal regarding the administrative process.

1) Your property will be posted on or before December 17, 1995. The closing date (January 2, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Arnold Jablon
Director

cc: John and Mary Williams



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 29, 1995

Mr. and Mrs. John M. Williams
8531 Oakleigh Road
Baltimore, MD 21234

RE: Item No.: 235
Case No.: 96-232-A
Petitioner: J. M. Williams, et ux

Dear Mr. and Mrs. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 7, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: December 20, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 235 & 241

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3400.

Prepared by: *Jeffrey W. Long*

Division Chief: *Edryl L. Keene*

PK/JL

ITEM235/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: Dec. 26, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for December 28, 1995
Items 232, 233, 234, 235, 236, 238, 239,
240, 241 and 242

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:st

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 12/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
LOCATION: DISTRIBUTION MEETING OF DEC. 18, 1995.

Item No.: SEE BELOW Zoning Agenda:

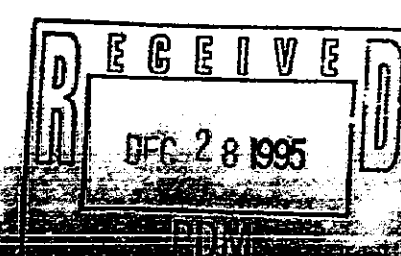
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6 The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 232, 233, 234, 235, 236, 237, 238, 239, 240, 241 AND 242.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 235 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

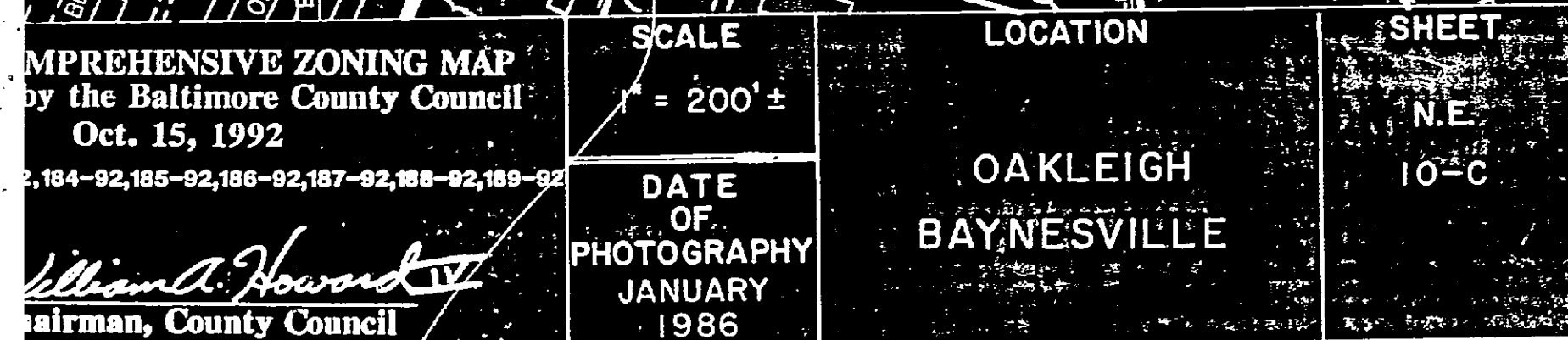
Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2268 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



POB. JLL. 12/7/95 #235

[illegible]